



Montana Department of
ENVIRONMENTAL QUALITY

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SENATE NATURAL RESOURCES
COMMITTEE NO. 5
DATE 3/11/11
BILL NO. HB 52

Brian Schweitzer, Governor
Richard H. Opper, Director

TO: Senate Natural Resources Committee

FROM: George Mathieus, Administrator, DEQ Planning Division

GEORGE

SUBJECT: HB52

DATE: March 11, 2011

The following memo follows up a question Senator Jackson asked me during the hearing on SB52. I am available for any additional questions if needed.

1. The City of Kalispell wants to do something with their water (other than discharge all of it into Ashley Creek), but have been told no in the past.
 - a. *What options do they have?*
 - i. At the level that Kalispell treats currently for nutrient removal, they would meet the Class A reuse water defined in our guidance. The Class A water could be used for "unrestricted irrigation" such as golf courses, city parks, right of way irrigation along road corridors, cemetery irrigation, etc. Also could be used in decorative fountains, fish ponds, for fire fighting and protection systems, as industrial heating and cooling water and for street cleaning, dust suppression, cement batching, construction water for compaction
 - b. *Can their discharge be used as mitigation water to in turn receive a water right?*
 - i. In many municipal waste water systems the discharge into a stream or river is considered return flows when calculating the consumptive use for their water rights. A city, like Kalispell, may have to go through the water right change process if they were going to significantly change the amount of water they are discharging from their waste water systems. This is the reason for the amendment that was put onto the bill in the House.
 - c. *If HB52 passes and Kalispell wants to implement the options provided in the bill, what would that process look like?*

(Over)

- i. As per page 4, lines 17-20, the city must first obtain authorization from DNRC. Second, the City would submit a plan for DEQ review and approval based on the rules the department adopts if the legislation is approved. The review would follow the same process now used for other revisions to water or wastewater systems under the Public Water Supplies, Distribution and Treatment Act. The review would be based on the rules/standards adopted by the BER, which establish criteria for water quality for the different reuse options. If the proposed reuse project meets the criteria and is approved, there would be monitoring and tracking of the reuse project to ensure it continues to meet the criteria. This may be accomplished via a groundwater discharge permit, or as a condition of approval.